

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

**OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION**

To: Richard P. Keigwin, Jr., Director
Office of Pesticide Programs

From: Michael L. Goodis, Director
Registration Division
Office of Pesticide Programs

Subject: Repeat Section 18 Emergency Exemption Request for Bifenthrin on Apple, Peach, and Nectarine to Control the Brown Marmorated Stink Bug (BMSB) in Pennsylvania (EE#s 19-PA-04, -05, and -06)

This is the **eighth** year that emergency exemption requests have been submitted for these uses, which have been authorized for the past seven years to DE, MD, NC, NJ, NY, PA, VA, and WV. Exemptions were authorized earlier this season (5-06-19) to MD and VA for these uses. The use patterns requested this year are identical to that from the past exemptions. For further details, the 2012 Decision Memorandum is attached.

The Pennsylvania Department of Agriculture was authorized a maximum of 24,974 acres under the 2018 exemptions and based on best available information, 2,500 to 3,000 acres were treated.

Applicant Request: PDA stated that the BMSB, a recently introduced invasive pest, continues to pose a threat to pome and stone fruit trees in the US. There are no natural enemies in the US to provide reliable biological control. Further, available pesticide controls are limited and inadequate to provide season-long control of BMSB populations that reach damaging levels, such as first occurred in 2010. Because BMSB populations vary between years and over different localized areas, the acreage treated has varied. However, an emergency still exists when populations develop at high levels. PDA also observed increased BMSB populations during 2016-2017, as compared to the prior two years (2014-2015).

Agency Evaluation: All findings of the science divisions (BEAD, HED, and EFED) supported the criteria for allowing emergency exemptions for these uses. Time-limited tolerances for apple, peach, and nectarine at 0.5 ppm were established for the previous exemptions and are set to expire on December 31, 2021.

Progress Toward Registration: IR-4 submitted tolerance petitions to EPA in 2016 to support registration of these uses. The PRIA date is scheduled for September 25, 2020 to allow for full evaluation of bifenthrin in connection with Registration Review, including assessing the impact of these and other proposed new uses. Under Registration Review, draft human health and ecological risk estimates were posted for a public comment period in 2018. Registration Review is ongoing with a proposed interim decision targeted for the 4th quarter of FY19.

Recommendation: RD has confirmed that the need still exists and there do not appear to be any outstanding risk data that might undermine the previous safety findings. The RD/MUERB analyst confirmed that this request meets the criteria for the re-certification program for 2020, and this determination is included in the attached letter. Therefore, I recommend that the attached action be approved.